

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1-20 are pending in this application. By this amendment, Claims 1, 2, and 11 have been amended. It is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 1-6, 8-16 and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Utsumi et al. (U.S. Patent Publication No. 2001/0032088 A1, hereinafter Utsumi) in view of Kumagai (U.S. Patent No. 6,512,722 B2); and Claims 7 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Utsumi in view of Kumagai and further in view of Matsushima et al. (U.S. Patent Publication No. 2002/0161571 A1, hereinafter Matsushima).

Claim 1 recites:

a recording and reproducing apparatus configured to reproduce various types of recording medium identification information unique to the second recording medium and recording content data transferred from the first recording medium to the second recording medium;

a first set creating device configured to create a first set, the first set being used to correlate the recording medium identification information with a second set, the second set being used to categorize the content data recorded on the first recording medium in accordance with a predetermined rule;

a second set creating device configured to create the second set correlated with the first set;

a reproduction control information creating device configured to create reproduction control information about the content data with the second set; and

a content transfer controlling device configured to transfer content data recorded on the first recording medium to the second recording medium so as to record the content data onto the second recording medium in accordance with the reproduction control information created in accordance with the recording medium identification information about the second recording medium, the recording medium identification

information being reproduced by the recording and reproducing apparatus.

Claim 11 recites:

receiving various types of recording medium identification information unique to the second recording medium from which data is reproduced by the recording and reproducing apparatus;

creating a second set correlated with a first set in accordance with the recording medium identification information reproduced from the second recording medium, the first set being used to correlate the recording medium identification information with the second set, the second set being used to categorize the content data recorded on the first recording medium in accordance with a predetermined rule;

creating reproduction control information about the content data with the second set; and

transferring content data recorded on the first recording medium to the recording and reproducing medium so as to record the content data onto the second recording medium in accordance with the reproduction control information created in accordance with the recording medium identification information reproduced from the second recording medium.

It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Utsumi, Kumagai, Matsushima or any conceivable combination thereof.

The Office Action asserts in part that Utsumi teaches “a recording and reproducing apparatus for reproducing various types of recording medium identification information unique to the second recording medium (¶14, lines 1-12) and recording content data transferred from the first recording medium [Fig. 1, elt 10: “1st STORAGE MEDIUM”] to the second recording medium [Fig. 1, elt 30: “2nd STORAGE MEDIUM”] (Fig. 1, elts 20 and 30; ¶15, ¶16 and ¶47).” Applicant respectfully disagrees.

Utsumi is directed to a license devolution apparatus capable of devolving the right to use contents such as a document, a picture and a program, which are digitized, while

contributing to a protection of the copyright for the contents.¹ Utsumi describes in paragraph [0016] “that only the key and the right of using are transferred.” Utsumi further describes in paragraph [0036] “secure areas 12 and 32 in each of which information as to the right to use contents and other information as to the attribute of contents are stored.” Utsumi further states “it is presumed that the right to use contents, which the first storage medium 10 is entitled to, is devolved to the second storage medium 30.” That is, contrary to what is stated in the Office Action, Utsumi describes recording medium identification information that is unique to the recorded content rather than describing recording medium identification information unique to the second recording medium.

The Office Action goes on to assert that Kumagai teaches:

first set creating means for creating a first set [Table of Contents information/file management table] (Figs 13 & 15), the first set being used to correlate the recording medium identification information with a second set [Table of Contents information out of the CD 55] being used to categorize the content data recorded on the first recording medium in accordance with a predetermined rule (col 23, lines 45-63; col 24, lines 16-23; col 25, lines 20-24).

Applicant respectfully disagrees.

Kumagai describes in column 4, lines 5-33, identification information stored in a storage medium, additional information corresponding to the identification information read out of a storage medium based on the identification information, and, that based on the stored additional information a search can be made on the data or the identification information stored in the storage medium. Kumagai describes more specifically a CD album information database constructed in the form of a table including the name of a singer, the title of an album, the number of total tracks, the time of each track, the title of each track and the jacket image.² Kumagai states in column 25, lines 20-24 “[a]fter the recording of the CD album

¹ Utsumi paragraph [0006].

² Kumagai, column 23, lines 55-63.

information in the HDD 10, a management database is created which includes the CD album information supplied from the CD-ROM 310 and the music data played back from the CD 55 and recorded in the HDD 10 in a correlated manner.” That is, the table of contents information/file management table asserted in the Office Action to correspond to the claimed first set and the table of contents information out of the CD 55 stated in the Office Action to correspond to the claimed second set is identification information unique to the recorded content not to the second recording medium as recited in Claims 1 and 11.

Neither Utsumi nor Kumagai describe creating a first set, the first set being used to correlate the recording medium identification information unique to the second recording medium with a second set, the second set being used to categorize the content data recorded on the first recording medium in accordance with a predetermined rule. Nor do Utsumi or Kumagai describe transferring content data recorded on the first recording medium to the second recording medium so as to record the content data onto the second recording medium in accordance with the reproduction control information created in accordance with the recording medium identification information about the second recording medium as recited in Claims 1 and 11.

Matsushima fails to correct the deficiencies of Utsumi or Kumagai pointed out above. Matsushima describes a management apparatus that stores pairs of copyrighted contents and numbers of permitted check outs. Matsushima describes editing audio objects corresponding to a content in the memory, assigning a content ID to the audio object, and decrementing a corresponding number of permitted check outs. Therefore, Matsushima fails to describe the features of Claims 1 and 11 quoted above.

It is respectfully submitted that Claims 2-10 and 12-20 are patentable at least for the reasons argued above with regard to the claims from which they depend.

Accordingly, it is respectfully requested that the rejections of Claims 1-20 be reconsidered and be withdrawn, and that Claims 1-20 be found allowable.

Consequently, for the reasons discussed in detail above no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a notice of allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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